



Linda S. Adams
Secretary for
Environmental Protection

**California Regional Water Quality Control Board
North Coast Region
Geoffrey M. Hales, Chairman**

www.waterboards.ca.gov/northcoast
5550 Skylane Boulevard, Suite A, Santa Rosa, California 95403
Phone: (877) 721-9203 (toll free) • Office: (707) 576-2220 • FAX: (707) 523-0135



Arnold
Schwarzenegger
Governor

September 21, 2010

In the Matter of

Water Quality Certification

for the

**CHEVRON – EUREKA TERMINAL SHED DEMOLITION PROJECT
WDID No. 1B10081WNHU**

APPLICANT: Chevron Products Company
RECEIVING WATER: Humboldt Bay
HYDROLOGIC UNIT: Eureka Plain Hydrologic Unit No. 110.00
COUNTY: Humboldt
FILE NAME: Chevron – Eureka Terminal, Shed Demolition

BY THE EXECUTIVE OFFICER:

1. On July 15, 2010, Chevron Products Company (Applicant) filed an application for water quality certification (certification) under section 401 of the Clean Water Act (33 U.S.C. § 1341) with the California Regional Water Quality Control Board, North Coast Region (Regional Water Board) for activities related to removal of an abandoned shed and associated debris located on the southwest portion of the Chevron Eureka Terminal Pier on Humboldt Bay. The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on August 19, 2010, and posted information describing the project on the Regional Water Board's website. We did not receive any public comments on this project.
2. Prior to January 2010, the project area consisted of two abandoned wooden shed buildings that extended over the rock protected shoreline and into Humboldt Bay. The buildings were supported by piers that held them above the water level. On January 9, 2010 an earthquake damaged the two shed buildings and their support pier foundations. The pier foundation under the western shed structure was severely damaged which caused the structure to slump into Humboldt Bay. The eastern shed structure was also severely damaged but it is still standing. The project involves demolition and removal of the eastern shed and the remaining dilapidated structures along the shoreline.

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3. The eastern shed is an approximately 25-foot long by 15-foot wide structure that is mostly comprised of wood. The eastern shed and all remaining debris associated with the previously damaged western shed will be removed from the shoreline area. Metal rubble and other waste that has accumulated around these abandoned buildings will also be removed and properly recycled or disposed of offsite as appropriate.
4. The existing piers associated with the shed foundations will be removed during low tide. Conical holes will be dug around the piers to allow workers to cut the piers off at least one foot below the surface using chainsaws and hand tools. Sawdust and debris generated during pier cutting activities will be contained on plastic sheeting secured to the piers and covering the bay substrate around the piers. The sheeting and contained debris will be removed from the area immediately following removal of each pier and the bay substrate will be replaced in the excavated holes.
5. No new piers or other impacts to the shoreline, rock slope protection, or bay substrate are planned. The project will not result in any new permanent impacts to waters of the United States. Activities associated with removal of the piers will result in temporary impacts to 500 square feet of Humboldt Bay tidelands. Compensatory mitigation is not required for this project. Non-compensatory mitigation measures include the use of Best Management Practices for containment of demolition debris. The project is scheduled for late September 2010 and is expected to take 3 days to complete.
6. The Applicant has applied (File No. 2010-00267) for authorization from the United States Army Corps of Engineers to perform the project under Nationwide Permit No. 3, pursuant to Rivers and Harbors Act, section 10. A Lake or Streambed Alteration Agreement (1600 Permit) from the California Department of Fish and Game is not required for this project.
7. The Regional Water Board, as the lead California Environmental Quality Act (CEQA) agency, has determined that this project qualifies for a Categorical Exemption, section 15301 – existing facilities, pursuant to CEQA.
8. The federal antidegradation policy requires that state water quality standards include an antidegradation policy consistent with the federal policy. The State Water Board established California's antidegradation policy in State Water Board Resolution No. 68-16. Resolution No. 68-16 incorporates the federal antidegradation policy where the federal policy applies under federal law. Resolution No. 68-16 requires that existing quality of waters be maintained unless degradation is justified based on specific findings. The Regional Water Board's Basin Plan implements, and incorporates by reference, both the State and federal antidegradation policies. This Order is consistent with applicable federal and State antidegradation policies, as it does not authorize the discharge of increased concentrations of pollutants or increased volumes of treated wastewater.

9. This discharge is also regulated under State Water Resources Control Board Order No. 2003-0017-DWQ, "General Waste Discharge Requirements for Dredge and Fill Discharges That Have Received State Water Quality Certification," which requires compliance with all conditions of this water quality certification.

Receiving Water: Humboldt Bay in the Eureka Plain Hydrologic Unit No. 110.00

Filled or Excavated Area: Area Temporarily Impacted: 500 square feet of tidelands
Area Permanently Impacted: None

Total Linear Impacts: Length Temporarily Impacted: None
Length Permanently Impacted: None

Dredge Volume: None

Latitude/Longitude: 40.77693 N/124.19424 W

Accordingly, based on its independent review of the record, the Regional Water Board certifies that the Chevron - Eureka Terminal, Shed Demolition Project (WDID No. 1B10081WNHU), as described in the application, will comply with sections 301, 302, 303, 306 and 307 of the Clean Water Act, and with applicable provisions of state law, provided that the Applicant complies with the following terms and conditions:

1. This certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Water Code section 13330 and title 23, California Code of Regulations, section 3867.
2. This certification action is not intended and shall not be construed to apply to any discharge from any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to title 23, California Code of Regulations, section 3855, subdivision (b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. This certification is conditioned upon total payment of any fee required under title 23, California Code of Regulations, section 2200, and owed by the Applicant.
4. The Regional Water Board shall be notified in writing at least five working days (working days are Monday – Friday) prior to the commencement of ground disturbing activities, with details regarding the construction schedule, in order to allow staff to be present onsite during construction, and to answer any public inquiries that may arise regarding the project.

5. No debris, soil, silt, sand, bark, slash, sawdust, cement or concrete washings, oil or petroleum products, or other organic or earthen material from any construction or associated activity of whatever nature, other than that authorized by this Order, shall be allowed to enter into or be placed where it may be washed by rainfall into waters of the State. When operations are completed, any excess material or debris shall be removed from the work area.
6. Best Management Practices (BMPs) erosion control shall be implemented and in place at commencement of, during and after any project activities that could result in sediment discharges to surface water.
7. All activities and BMPs shall be implemented according to the submitted application and the conditions in this certification.
8. A copy of this Order and the application documents submitted by the Applicant for this certification shall be provided to all contractors and subcontractors conducting the work, and shall be in their possession at the work site.
9. All project work shall be conducted as described in this Order and in the application submitted by the Applicant. If the Regional Water Board is not notified of a significant alteration to the project, it will be considered a violation of this Order, and the Applicant may be subject to Regional Water Board enforcement actions.
10. Prior to implementing any change to the project that may have a significant or material effect on the findings, conclusions, or conditions of this Order, the Applicant shall obtain the written approval of the Regional Water Board Executive Officer.
11. If, at any time, an unauthorized discharge to surface water (including wetlands, rivers or streams) occurs, or any water quality problem arises, the associated project activities shall cease immediately until adequate BMPs are implemented. The Regional Water Board shall be notified promptly and in no case more than 24 hours after the unauthorized discharge or water quality problem arises.
12. The Regional Water Board may add to or modify the conditions of this Order, as appropriate, to implement any new or revised water quality standards and implementation plans adopted and approved pursuant to the Porter-Cologne Water Quality Control Act or Section 303 of the Clean Water Act.
13. The Applicant shall provide Regional Water Board staff access to the project site to document compliance with this certification.
14. In the event of any violation or threatened violation of the conditions of this certification, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under applicable State or federal law. For the purposes of section 401(d) of the Clean Water Act, the applicability of any State law authorizing remedies, penalties, process or sanctions constitutes a

limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this certification. In response to a suspected violation of any condition of this certification, the Regional Water Board may require the holder of any federal permit or license subject to this certification to furnish, under penalty of perjury, any technical or monitoring reports the Regional Water Board deems appropriate, provided that the burden, including costs, of the reports shall bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports. In response to any violation of the conditions of this certification, the Regional Water Board may add to or modify the conditions of this certification as appropriate to ensure compliance.

15. In the event of any change in control of ownership of land presently owned or controlled by the Applicant, the Applicant shall notify the successor-in-interest of the existence of this Order by letter and shall forward a copy of the letter to the Regional Water Board at the above address.

To discharge dredged or fill material under this Order, the successor-in-interest must send to the Regional Water Board Executive Officer a written request for transfer of the Order. The request must contain the requesting entity's full legal name, the state of incorporation if a corporation, and the address and telephone number of the person(s) responsible for contact with the Regional Water Board. The request must also describe any changes to the project proposed by the successor-in-interest or confirm that the successor-in-interest intends to implement the project as described in this Order.

16. Except as may be modified by any preceding conditions, all certification actions are contingent on: a) the discharge being limited to and all proposed mitigation being completed in strict compliance with the Applicant's project description, and b) compliance with all applicable requirements of the Water Quality Control Plan for the North Coast Region (Basin Plan).

17. The authorization of this certification for any dredge and fill activities expires on September 21, 2013. Conditions and monitoring requirements outlined in this certification are not subject to the expiration date outlined above, and remain in full effect and are enforceable.

If you have any questions or comments please call Dean Prat at (707) 576-2801.

Catherine Kuhlman
Executive Officer

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Original to: Mr. Scott Parsons, Chevron Products Company, 3400 Christie Street,
Eureka, CA 95501

cc: Mr. Scott Harris, Winzler & Kelly, 633 Third Street, Eureka, CA 95501

Electronic

Copies to: U.S. Army Corps of Engineers, District Engineer, 601 Startare Drive, Box
14, Eureka, CA 95501
Ms. Jane Hicks, U.S. Army Corps of Engineers, Regulatory Functions,
1455 Market Street, San Francisco, CA 94103-1398